

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

NELSON R. CEPEDA, JESSICA L.
CEPEDA and JADON CEPEDA,

Plaintiffs

v.

MILE ANASTASOV; RYDER
TRUCK RENTAL, INC., JOHN
DOES 1-5 (fictitiously named) and
ABC COMPANIES 1-5 (fictitiously
named,

Defendants

Civil Action No.:

NOTICE OF REMOVAL

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441, and 1446, Defendant Ryder Truck Rental, Inc. (“Ryder”), submits the following Notice of Removal from the Superior Court of New Jersey, Bergen County, the Court in which the above-referenced matter is now pending, to the United States District Court for the District of New Jersey. In support of its Notice of Removal, Ryder states as follows:

Nature of Action

1. Plaintiffs Nelson R. Cepeda, Jessica L. Cepeda, and Jadon Cepeda, allege that they sustained serious and permanent injuries in a

motor vehicle accident involving defendant, Mile Anastasov (“Mile”) that occurred on January 18, 2020 in Little Ferry, New Jersey. *See* Ex. A (Plaintiff’s Complaint). Mile was driving a truck that was leased by Ryder Truck Rental, Inc.

2. Plaintiff commenced this action on October 23, 2020 by filing a Complaint in the Superior Court of New Jersey, Bergen County. *See* Ex. A.

3. Pursuant to 28 U.S.C. § 1446(a), Ryder has attached copies of all process, pleadings, and orders served upon it including:

a) A true and correct copy of Plaintiffs’ Complaint, dated October 23, 2020, attached as Exhibit A;

Timeliness of Removal

4. Ryder was served with a copy of Plaintiffs’ Complaint via certified mail on November 17, 2020.

5. This Notice of Removal is being filed within thirty (30) days after the service of Plaintiffs’ Complaint, and is therefore timely pursuant to 28 U.S.C. § 1446(b).

Amount in Controversy

6. Plaintiffs' Complaint alleges that Plaintiffs sustained serious and permanent injuries that have caused them great pain, shock, mental anguish and are still incapacitated and will be permanently disabled. *See* Ex. A at First Count ¶ 4, Second Count ¶ 3, and Third Count ¶ 3.

7. Ryder respectfully submits that the amount in controversy exceeds \$75,000, exclusive of interest and costs.

Diversity of Citizenship

8. According to Plaintiffs' Complaint, Plaintiffs reside at 5601 Boulevard East, Apt. 15G, in West New York, Hudson County, New Jersey.

9. Ryder is a citizen of Florida with its principal place of business in Miami, Florida.

10. Pursuant to 28 U.S.C. §1332(a)(2), full diversity exists among Plaintiffs and Ryder, as Ryder is a citizen of a state other than New Jersey and Ryder maintains its principal place of business in a state other than where Plaintiffs reside.

Plea for Removal

11. Insofar as the amount in controversy is alleged to exceed \$75,000.00 and full diversity exists between the parties, removal to this Court is proper pursuant to 28 U.S.C. §1332(a) and 28 U.S.C. §1441(a). Written notice is being given to all parties and to the Clerk of the Superior Court of New Jersey, Bergen County, that this Notice of Removal is being filed with this Court.

WHEREFORE, Ryder respectfully requests that the entire state court action under docket BER-L-6379-20, currently pending in the Superior Court of New Jersey, Bergen County, be removed to this Court for all further proceedings.

Respectfully submitted,

GOLDBERG SEGALLA, LLP

By: /s/ Robert M. Cook

Robert M. Cook

Attorneys for Defendant Ryder Truck Rental, Inc.

Dated: December 16, 2020